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Date: 1/18/2005

Pages: 35 with cover

To: Examiner Heng Der Day

From: Charles W. Bethards

Company: USPTO, Art Unit 2128

Fax No.: 703-872-9306

Subject: Response to Final Office Action: App. Serial No. 09/654,253  
(Atty. Dkt. SC11244ZC/46-005)

## Comments:

|                               |                              |
|-------------------------------|------------------------------|
| Applicant(s): Recker, et al.  | Atty. Dkt.: SC11244ZC/46-005 |
| Serial No.: 09/654,253        | Group Art Unit: 2128         |
| Filed: September 1, 2000      | Examiner: Heng Der Day       |
| Title: MISMATCH MODELING TOOL |                              |

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PTO/SB/21 (02-04)

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|------------------------------------------------------------------------------------------------|-------|------------------------|-------------------|
| <b>TRANSMITTAL<br/>FORM</b><br><i>(to be used for all correspondence after initial filing)</i> |       | Application Number     | 09/654,253        |
|                                                                                                |       | Filing Date            | September 1, 2000 |
|                                                                                                |       | First Named Inventor   | Recker, et al.    |
|                                                                                                |       | Art Unit               | 2128              |
|                                                                                                |       | Examiner Name          | Herng Der Day     |
| Total Number of Pages in This Submission                                                       | 16 34 | Attorney Docket Number | SC11244ZC/46-005  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>ENCLOSURES (Check all that apply)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |
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| <input type="checkbox"/> After Allowance communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Appendix I & II; Power of Attorney; Declaration Under MPEP 608.01(p); two Dacs Under 37 CFR 1.131                                                                                                           |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |

|                                                   |                                                              |
|---------------------------------------------------|--------------------------------------------------------------|
| <b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b> |                                                              |
| Firm or Individual name                           | Pesz & Bethards, PLC<br>Charles W. Bethards, Reg. No. 36,453 |
| Signature                                         |                                                              |
| Date                                              |                                                              |

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|                       |                            |
|-----------------------|----------------------------|
| Typed or printed name | Charles W. Bethards        |
| Signature             | <i>Charles W. Bethards</i> |
|                       | Date <i>1/18/05</i>        |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/654,253 Confirmation No. 5727  
Applicants: Recker, et al.  
Filed: September 1, 2000  
TC/A.U.: 2128  
Examiner: Day, Heng Der  
Docket No.: SC11244ZC/46-005  
Customer No.: 23400

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Typed Name: Charles W. Bethards

Signature: *Charles W. Bethards*

**AMENDMENT UNDER 37 CFR 1.116**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action of November 17, 2004, please amend the above-identified application as follows:

**Amendments to the Specification** begins on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 4 of this paper.

**Remarks/Arguments** begin on page 10 of this paper.